



# House of Representatives

General Assembly

**File No. 434**

*January Session, 2007*

House Bill No. 7296

*House of Representatives, April 10, 2007*

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING THE REPORTING OF PETROLEUM AND CHEMICAL SPILLS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-450 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 The master of any ship, boat, barge or other vessel, or the person in  
4 charge of any terminal for the loading or unloading of any oil or  
5 petroleum or chemical liquids or solid, liquid or gaseous products, or  
6 hazardous wastes, or the person in charge of any establishment, or the  
7 operator of any vehicle, trailer or other machine which by accident,  
8 negligence or otherwise causes the discharge, spillage, uncontrolled  
9 loss, seepage or filtration of oil or petroleum or chemical liquids or  
10 solid, liquid or gaseous products, or hazardous wastes which such  
11 master or person reasonably determines poses a potential threat to  
12 human health or the environment, shall immediately report to the  
13 commissioner [such facts as the commissioner by regulation may  
14 require. Any such report shall include, but not be limited to,] the

15 location, the quantity and the type of substance, material or waste, the  
16 date and the cause of the discharge, spillage, uncontrolled loss,  
17 seepage or filtration, the name and address of the owner of the ship,  
18 boat, barge or other vessel, terminal, establishment, vehicle, trailer or  
19 machine, and the name and address of the person making the report  
20 and his relationship to the owner. The commissioner may adopt  
21 regulations, in accordance with chapter 54, to set specific thresholds or  
22 other requirements for the reporting of such discharge, spillage,  
23 uncontrolled loss, seepage or filtration. Any person who fails to make  
24 a report required by this section may be fined not more than one  
25 thousand dollars and the employer of such person may be fined not  
26 more than five thousand dollars, except that any person who fails to  
27 make a report relating to the discharge, spillage, uncontrolled loss,  
28 seepage or filtration of gasoline shall be fined not more than five  
29 thousand dollars and the employer of such person may be fined not  
30 more than ten thousand dollars.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2007	22a-450
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**ENV**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Environmental Protection	GF - None	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The changes made in the bill concerning reporting of petroleum and chemical spills will have no fiscal impact on the Department of Environmental Protection (DEP). Since the adoption of regulations by the DEP is discretionary, it is anticipated that they could be undertaken when resources permit.

**The Out Years**

None

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**OLR Bill Analysis****HB 7296*****AN ACT CONCERNING THE REPORTING OF PETROLEUM AND  
CHEMICAL SPILLS.*****SUMMARY:**

This bill authorizes the master of any vessel; the operator of any vehicle, trailer, or machine; the person in charge of an establishment; or anyone in charge of loading or unloading oil, chemical liquids, solid, liquid or gaseous products, or hazardous waste from terminals to use his or her discretion in reporting a spill to the Department of Environmental Protection commissioner. It authorizes the commissioner to adopt regulations setting specific thresholds or other requirements for the reporting of such spills.

By law, masters of vessels, vehicle operators, and others described above must immediately report to the commissioner any spill that poses a potential threat to human health or the environment. Under the bill, these people must report such a spill only if they “reasonably determine” it poses such a threat.

Under current law, their report must include facts the commissioner may require by regulation, including the location, amount, and type of substance or waste spilled; the date and cause of the discharge; the name and address of the vessel, terminal, establishment, vehicle, trailer, or machine; the name and address of the person reporting the spill; and the person’s relationship to the owner of the vessel, terminal, establishment, vehicle, trailer, or machine. Under the bill, they must report only the information specified above. The bill limits the subject of the commissioner’s regulations to the specific thresholds or requirements for reporting a spill.

As under current law, anyone who fails to make a report may be fined up to \$1,000, and his or her employer up to \$5,000, except that anyone failing to report a gasoline spill may be fined up to \$5,000 and his or her employer up to \$10,000.

EFFECTIVE DATE: October 1, 2007

## **BACKGROUND**

### ***Establishment***

By law, an “establishment” includes certain businesses, and property where (1) more than 100 kilograms (220 pounds) of hazardous waste was generated in a calendar month or (2) hazardous waste was recycled, reclaimed, reused, stored, handled, treated, transported, or disposed of (CGS § 22a-134).

## **COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea    29    Nay   1    (03/23/2007)